

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GREEN MOUNTAIN GLASS, LLC AND
CULCHROME, LLC,

Plaintiffs,

v.

SAINT-GOBAIN CONTAINERS, INC. dba
VERALLIA NORTH AMERICA,

Defendant.

Civil Action No.14-cv-392-GMS

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL J. LASINSKI IN SUPPORT OF PLAINTIFFS'
MOTION FOR PREJUDGMENT INTEREST, ENHANCED DAMAGES, ATTORNEYS'
FEES, AND CONDITIONAL MOTION FOR A NEW TRIAL REGARDING ARDAGH'S
INFRINGEMENT OF U.S. PATENT NO. 6,230,521**

I, MICHAEL J. LASINSKI, declare as follows:

1. I am a Managing Director and the Chief Executive Officer of 284 Partners, LLC, a professional services firm focused on intellectual property valuation, litigation consulting, IP strategy, and IP transactional services. I was retained by plaintiffs to serve as an expert in the above-entitled action. Based on personal knowledge, if called upon, I could and would competently testify to the following.

2. I have been asked to prepare various prejudgment interest calculations in order to assist the Court.

3. As a threshold matter, I note that my calculations assume that the jury's damages award of \$50,313,779.04 was calculated as a running royalty on Ardagh's purchased non-flint cullet during the period March 28, 2008 through March 3, 2015. As detailed in my

Supplemental Report and presented at trial, Ardagh purchased approximately 4,192,815 tons of non-flint cullet during this period.¹ Taken together, I have determined that the jury calculated its damages award using a reasonable royalty rate of approximately \$12.00 per ton of purchased non-flint cullet.²

4. I have used the U.S. Prime Rate compounded quarterly through June 30, 2017 (*i.e.*, the end of Q2 2017) to calculate the pre-judgment interest. The Prime Rate serves as a conservative measure because plaintiffs borrowing cost would have been higher than the Prime Rate during this period. That is especially true given that plaintiffs did not generate revenues during this period. As detailed in Exhibits 1.1 and 1.2 (attached hereto), my calculations in this regard yield total prejudgment interest through June 30, 2017 of \$10,347,899.18.

5. In addition to my calculations of prejudgment interest through June 30, 2017, I have also been asked to prepare a calculation of daily interest during the period July 1, 2017 through September 30, 2017 (*i.e.*, Q3 2017) assuming that the U.S. Prime Rate holds constant at 4.0%. As detailed in Exhibit 1.3, my calculations in this regard yield daily interest of \$6,479.00 per day. If necessary, this daily amount can be multiplied by the appropriate number of days subsequent to June 30, 2017 and added to the \$10,347,899.18 discussed above.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 19th day of May, 2017, at Ann Arbor, Michigan.


MICHAEL J. LASINSKI

¹ Supplemental Expert Report of Michael J. Lasinski, Exhibit 2.1. Exact value = 4,192,814.9125 tons.

² \$50,313,779.04 / 4,192,814.9125 tons = \$12.0000000215 per ton.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

PREJUDGMENT INTEREST THROUGH JUNE 30, 2017

Exhibit 1.1

| | |
|---|-------------------------------|
| Ending Accrued Royalties & Interest Through June 30, 2017 (1) | \$60,661,678.22 |
| Jury Royalty Award (2) | <u>\$50,313,779.04</u> |
| Prejudgment Interest Through June 30, 2017 | <u><u>\$10,347,899.18</u></u> |

Notes:

(1) Exhibit 1.2.

(2) Judgment, April 26, 2017.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

ACCRUED ROYALTIES & PREJUDGEMENT INTEREST THROUGH JUNE 30, 2017

Exhibit 1.2

| Interest Period | Starting Accrued Royalties & Interest (1) | Prior Quarter Royalties (2) | Total Accrued Royalties & Interest (3) | Interest Rate (4) | Ending Accrued Royalties & Interest (5) |
|------------------------|--|--|---|--------------------------|--|
| Q2 2008 | - | \$55,178 | \$55,178 | 5.08% | \$55,866 |
| Q3 2008 | \$55,866 | \$1,525,620 | \$1,581,486 | 5.00% | \$1,600,894 |
| Q4 2008 | \$1,600,894 | \$1,698,660 | \$3,299,554 | 4.06% | \$3,332,536 |
| Q1 2009 | \$3,332,536 | \$1,531,680 | \$4,864,216 | 3.25% | \$4,903,265 |
| Q2 2009 | \$4,903,265 | \$1,505,916 | \$6,409,181 | 3.25% | \$6,460,633 |
| Q3 2009 | \$6,460,633 | \$1,823,688 | \$8,284,321 | 3.25% | \$8,350,826 |
| Q4 2009 | \$8,350,826 | \$1,876,728 | \$10,227,554 | 3.25% | \$10,309,659 |
| Q1 2010 | \$10,309,659 | \$1,666,776 | \$11,976,435 | 3.25% | \$12,072,579 |
| Q2 2010 | \$12,072,579 | \$1,834,824 | \$13,907,403 | 3.25% | \$14,019,050 |
| Q3 2010 | \$14,019,050 | \$1,902,360 | \$15,921,410 | 3.25% | \$16,049,224 |
| Q4 2010 | \$16,049,224 | \$1,895,616 | \$17,944,840 | 3.25% | \$18,088,897 |
| Q1 2011 | \$18,088,897 | \$1,821,528 | \$19,910,425 | 3.25% | \$20,070,263 |
| Q2 2011 | \$20,070,263 | \$1,912,539 | \$21,982,801 | 3.25% | \$22,159,275 |
| Q3 2011 | \$22,159,275 | \$1,884,181 | \$24,043,456 | 3.25% | \$24,236,473 |
| Q4 2011 | \$24,236,473 | \$2,008,676 | \$26,245,149 | 3.25% | \$26,455,840 |
| Q1 2012 | \$26,455,840 | \$1,750,193 | \$28,206,033 | 3.25% | \$28,432,466 |
| Q2 2012 | \$28,432,466 | \$1,773,643 | \$30,206,108 | 3.25% | \$30,448,597 |
| Q3 2012 | \$30,448,597 | \$1,812,817 | \$32,261,414 | 3.25% | \$32,520,403 |
| Q4 2012 | \$32,520,403 | \$1,909,929 | \$34,430,332 | 3.25% | \$34,706,733 |
| Q1 2013 | \$34,706,733 | \$1,858,379 | \$36,565,111 | 3.25% | \$36,858,649 |
| Q2 2013 | \$36,858,649 | \$1,922,154 | \$38,780,803 | 3.25% | \$39,092,128 |
| Q3 2013 | \$39,092,128 | \$2,123,327 | \$41,215,455 | 3.25% | \$41,546,325 |
| Q4 2013 | \$41,546,325 | \$2,042,211 | \$43,588,536 | 3.25% | \$43,938,457 |
| Q1 2014 | \$43,938,457 | \$1,860,217 | \$45,798,673 | 3.25% | \$46,166,336 |
| Q2 2014 | \$46,166,336 | \$1,675,473 | \$47,841,809 | 3.25% | \$48,225,874 |
| Q3 2014 | \$48,225,874 | \$1,830,389 | \$50,056,263 | 3.25% | \$50,458,106 |
| Q4 2014 | \$50,458,106 | \$1,835,808 | \$52,293,914 | 3.25% | \$52,713,720 |
| Q1 2015 | \$52,713,720 | \$1,713,821 | \$54,427,541 | 3.25% | \$54,864,475 |
| Q2 2015 | \$54,864,475 | \$1,261,448 | \$56,125,923 | 3.25% | \$56,576,492 |
| Q3 2015 | \$56,576,492 | - | \$56,576,492 | 3.25% | \$57,030,677 |
| Q4 2015 | \$57,030,677 | - | \$57,030,677 | 3.29% | \$57,494,176 |
| Q1 2016 | \$57,494,176 | - | \$57,494,176 | 3.50% | \$57,990,779 |
| Q2 2016 | \$57,990,779 | - | \$57,990,779 | 3.50% | \$58,491,671 |
| Q3 2016 | \$58,491,671 | - | \$58,491,671 | 3.50% | \$58,996,890 |
| Q4 2016 | \$58,996,890 | - | \$58,996,890 | 3.55% | \$59,513,104 |
| Q1 2017 | \$59,513,104 | - | \$59,513,104 | 3.79% | \$60,069,786 |
| Q2 2017 | \$60,069,786 | - | \$60,069,786 | 4.00% | \$60,661,678 |

Notes:

(1) "Starting Accrued Royalties & Interest" equals prior period "Ending Accrued Royalties & Interest."

(2) Exhibit 2.1.

(3) Calculated as "Starting Accrued Royalties & Interest" plus "Prior Quarter Royalties."

(4) Exhibit 1.4.

(5) Calculated as "Total Accrued Royalties & Interest" * ((1 + Interest Rate) ^ 0.25).

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

DAILY INTEREST: JULY 1, 2017 - SEPTEMBER 30, 2017

Exhibit 1.3

| Interest Period | Starting Accrued Royalties & Interest (1) | Prior Quarter Royalties (2) | Total Accrued Royalties & Interest (3) | Interest Rate (4) | Ending Accrued Royalties & Interest (5) |
|--------------------------|--|--|---|--------------------------|--|
| Q2 2017 | \$60,069,786 | - | \$60,069,786 | 4.00% | \$60,661,678 |
| Q3 2017 | \$60,661,678 | - | \$60,661,678 | 4.00% | \$61,259,402 |
| Total Interest - Q3 2017 | | | | | \$597,724 |
| Days in Period | | | | | 92 |
| Daily Interest - Q3 2017 | | | | | \$6,497.00 |

Notes:

(1) "Starting Accrued Royalties & Interest" equals prior period "Ending Accrued Royalties & Interest." Q2 2017 per Exhibit 1.2.

(2) Exhibit 1.2.

(3) Calculated as "Starting Accrued Royalties & Interest" plus "Prior Quarter Royalties."

(4) Exhibit 1.4. Holds current prime rate constant.

(5) Calculated as "Total Accrued Royalties & Interest" * $((1 + \text{Interest Rate})^{(1/4)})$.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

PRIME INTEREST RATE

Exhibit 1.4

| Effective Date | Prime Rate |
|-----------------------|-------------------|
| 3/18/2008 | 5.25% |
| 4/30/2008 | 5.00% |
| 10/8/2008 | 4.50% |
| 10/29/2008 | 4.00% |
| 12/16/2008 | 3.25% |
| 12/17/2015 | 3.50% |
| 12/15/2016 | 3.75% |
| 3/16/2017 | 4.00% |

Source:

<https://www.jpmorganchase.com/corporate/About-JPMC/historical-prime-rate.htm>

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

REASONABLE ROYALTY FINDING - MARCH 28, 2008 - MARCH 3, 2015

Exhibit 2.1

| | 3/28/08 - 3/31/08 | Q2 2008 | Q3 2008 | Q4 2008 | Total 3/28/08 - 12/31/08 | Q1 2009 | Q2 2009 | Q3 2009 | Q4 2009 | Total 2009 | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|--------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------------|------------------------------|
| Tons of Purchased Cullet Used in Non-Flint Glass ⁽¹⁾ | 4,598 | 127,135 | 141,555 | 127,640 | 400,928 | 125,493 | 151,974 | 156,394 | 138,898 | 572,759 | |
| Royalty Rate ⁽²⁾ | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | |
| Reasonable Royalty | <u>\$55,178.32</u> | <u>\$1,525,620.00</u> | <u>\$1,698,660.00</u> | <u>\$1,531,680.00</u> | <u>\$4,811,138.33</u> | <u>\$1,505,916.00</u> | <u>\$1,823,688.00</u> | <u>\$1,876,728.00</u> | <u>\$1,666,776.00</u> | <u>\$6,873,108.01</u> | |
| | Q1 2010 | Q2 2010 | Q3 2010 | Q4 2010 | Total 2010 | Q1 2011 | Q2 2011 | Q3 2011 | Q4 2011 | Total 2011 | |
| Tons of Purchased Cullet Used in Non-Flint Glass ⁽¹⁾ | 152,902 | 158,530 | 157,968 | 151,794 | 621,194 | 159,378 | 157,015 | 167,390 | 145,849 | 629,632 | |
| Royalty Rate ⁽²⁾ | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | |
| Reasonable Royalty | <u>\$1,834,824.00</u> | <u>\$1,902,360.00</u> | <u>\$1,895,616.00</u> | <u>\$1,821,528.00</u> | <u>\$7,454,328.01</u> | <u>\$1,912,538.72</u> | <u>\$1,884,181.20</u> | <u>\$2,008,676.44</u> | <u>\$1,750,192.53</u> | <u>\$7,555,588.89</u> | |
| | Q1 2012 | Q2 2012 | Q3 2012 | Q4 2012 | Total 2012 | Q1 2013 | Q2 2013 | Q3 2013 | Q4 2013 | Total 2013 | |
| Tons of Purchased Cullet Used in Non-Flint Glass ⁽¹⁾ | 147,804 | 151,068 | 159,161 | 154,865 | 612,897 | 160,179 | 176,944 | 170,184 | 155,018 | 662,326 | |
| Royalty Rate ⁽²⁾ | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | |
| Reasonable Royalty | <u>\$1,773,642.88</u> | <u>\$1,812,816.75</u> | <u>\$1,909,929.48</u> | <u>\$1,858,378.56</u> | <u>\$7,354,767.67</u> | <u>\$1,922,153.87</u> | <u>\$2,123,327.10</u> | <u>\$2,042,210.96</u> | <u>\$1,860,216.66</u> | <u>\$7,947,908.59</u> | |
| | Q1 2014 | Q2 2014 | Q3 2014 | Q4 2014 | Total 2014 | 1/1/15 - 3/3/15 | Q2 2015 | Q3 2015 | Q4 2015 | Total 1/1/15 - 3/3/15 | Total 3/28/08 - 3/3/15 |
| Tons of Purchased Cullet Used in Non-Flint Glass ⁽¹⁾ | 139,623 | 152,532 | 152,984 | 142,818 | 587,958 | 105,121 | n/a | n/a | n/a | 105,121 | 4,192,815 |
| Royalty Rate ⁽²⁾ | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>\$12.00</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>\$12.00</u> | <u>\$12.00</u> |
| Reasonable Royalty | <u>\$1,675,472.64</u> | <u>\$1,830,389.09</u> | <u>\$1,835,808.39</u> | <u>\$1,713,821.34</u> | <u>\$7,055,491.46</u> | <u>\$1,261,448.07</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>\$1,261,448.07</u> | <u>\$50,313,779.04</u> |

Notes:

(1) Exhibits 2.2 - 2.9.

(2) Calculated as the jury's damages award of \$50,313,779.04 divided by the exact number of tons of purchased cullet used in non-flint glass during the period March 28, 2008 through March 3, 2015.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2008

Exhibit 2.2

| Plant (1) | Cullet Color (1) | January | February | March | April | May | June | July | August | September | October | November | December | Total |
|---|-------------------------------|----------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|------------------|----------------|-----------------|-----------------|----------------|
| Purchased Cullet Used in Amber Glas | | | | | | | | | | | | | | |
| Burlington | AMBER | 2,001 | 1,601 | 1,910 | 3,225 | 3,872 | 3,335 | 3,845 | 3,552 | 4,193 | 3,697 | 2,022 | 2,086 | 35,339 |
| Madera | AMBER | 36 | - | 80 | 1,470 | 2,678 | - | - | - | 1,752 | 1,763 | - | - | 7,779 |
| Milford | AMBER | 10,214 | 11,556 | 9,758 | 10,077 | 11,319 | 10,745 | 11,519 | 10,652 | 13,378 | 11,204 | 11,533 | 7,485 | 129,440 |
| Pevely | AMBER | 3,172 | 2,813 | 2,487 | 2,319 | 1,691 | 3,466 | 3,481 | 3,766 | 1,544 | 3,084 | 2,175 | 1,825 | 31,823 |
| Sapulpa | AMBER | 2,047 | 1,824 | 1,300 | 1,959 | 1,431 | 1,546 | 1,236 | 1,235 | 2,121 | 2,426 | 1,863 | 1,731 | 20,719 |
| Dunkirk | Amber / Plate | 10,505 | 9,851 | 10,047 | 10,702 | 9,844 | 10,410 | 10,651 | 10,215 | 9,904 | 10,895 | 8,840 | 9,440 | 121,304 |
| Dunkirk | Cullet Returns: Amber / Plate | (1,698) | (1,394) | (1,470) | (1,453) | (1,504) | (1,613) | (1,895) | (1,547) | (1,597) | (1,673) | (1,148) | (1,965) | (18,957) |
| Waxahachie | Amber / Plate | 1,299 | 1,938 | 2,301 | 1,963 | 1,121 | 1,071 | 1,287 | 1,502 | 868 | 818 | 346 | - | 14,514 |
| Seattle | AMBER 90 | 863 | 967 | 703 | 1,979 | 767 | 762 | 193 | 467 | 270 | 396 | 391 | 108 | 7,866 |
| Wilson | AMBER/PLATE | 1,340 | 1,834 | 1,008 | 195 | 1,233 | 1,899 | 2,113 | 1,784 | 2,313 | 2,382 | 1,585 | 1,553 | 19,239 |
| Sapulpa | Plate | 1,678 | 2,031 | 1,326 | 2,045 | 1,877 | 831 | 793 | 1,480 | 661 | - | - | - | 12,722 |
| Total Tons of Purchased Cullet Used in Amber Glass | | 31,457 | 33,021 | 29,450 | 34,481 | 34,329 | 32,452 | 33,223 | 33,106 | 35,407 | 34,992 | 27,607 | 22,263 | 381,788 |
| Apportionment Factor(2) | | - | - | 0.13 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | N/A |
| Total Apportioned Tons of Purchased Cullet Used in Amber Glass | | - | - | 3,800 | 34,481 | 34,329 | 32,452 | 33,223 | 33,106 | 35,407 | 34,992 | 27,607 | 22,263 | 291,660 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Madera | CHA. GR. | 11,506 | 7,115 | 3,991 | 2,954 | 2,977 | 4,355 | 5,948 | 6,050 | 6,461 | 5,637 | 3,678 | 4,206 | 64,878 |
| Madera | Cullet Returns: CHA. GR. | (4,693) | (722) | (627) | (1,100) | - | (154) | (595) | - | (400) | - | - | - | (8,291) |
| Seattle | CHA. GR.85 | 2,180 | 2,402 | 2,214 | 3,114 | 3,866 | 1,446 | 847 | 1,541 | 1,521 | 1,046 | 1,094 | 1,316 | 22,587 |
| Madera | DL / AT / TR | - | 3,756 | - | - | - | 5,672 | 6,765 | 5,494 | 3,752 | 5,637 | 7,531 | 8,236 | 46,843 |
| Port Allegany | GREEN | 1,453 | 92 | 197 | 1,046 | 916 | 564 | 817 | 540 | 1,078 | 1,035 | 1,108 | 1,592 | 10,438 |
| Sapulpa | GREEN | 103 | 259 | 411 | 12 | - | 205 | - | - | - | - | 611 | 51 | 1,652 |
| Total Tons of Purchased Cullet Used in Green Glass | | 10,549 | 12,902 | 6,186 | 6,026 | 7,759 | 12,088 | 13,782 | 13,625 | 12,412 | 13,355 | 14,022 | 15,401 | 138,107 |
| Apportionment Factor(2) | | - | - | 0.13 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | N/A |
| Total Apportioned Tons of Purchased Cullet Used in Green Glass | | - | - | 798 | 6,026 | 7,759 | 12,088 | 13,782 | 13,625 | 12,412 | 13,355 | 14,022 | 15,401 | 109,268 |
| Total Tons of Purchased Cullet Used in Non-Flint Glass | | - | - | 4,598 | 40,507 | 42,088 | 44,540 | 47,005 | 46,731 | 47,819 | 48,347 | 41,629 | 37,664 | 400,928 |

Notes:

(1) Lasinski Supplemental Report, Exhibit 3.4.

(2) March 2008 apportionment factor per Exhibit 2.10.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2009

Exhibit 2.3

| Plant (1) | Cullet Color (1) | January | February | March | April | May | June | July | August | September | October | November | December | Total |
|--|-------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Purchased Cullet Used in Amber Glass | | | | | | | | | | | | | | |
| Burlington | AMBER | 1,995 | 2,205 | 2,615 | 2,703 | 3,072 | 3,203 | 2,139 | 3,178 | 2,890 | 376 | 769 | 1,452 | 26,597 |
| Madera | AMBER | - | - | - | - | 1,101 | 568 | - | - | - | - | - | - | 1,669 |
| Milford | AMBER | 11,721 | 10,765 | 12,116 | 12,013 | 11,430 | 11,809 | 12,533 | 10,715 | 6,996 | 12,308 | 11,873 | 10,145 | 134,424 |
| Pevely | AMBER | 1,953 | 2,585 | 3,048 | 3,840 | 3,101 | 3,958 | 5,160 | 2,491 | 2,949 | 3,543 | 3,111 | 3,213 | 38,952 |
| Sapulpa | AMBER | 1,672 | 2,661 | 3,690 | 2,906 | 1,650 | 2,823 | 2,364 | 2,846 | 3,526 | 3,205 | 2,542 | 2,364 | 32,249 |
| Seattle | Amber 90 | 77 | 853 | 456 | - | 243 | 15 | 481 | 502 | 95 | 374 | 496 | 1,614 | 5,206 |
| Dunkirk | Amber / Plate | 10,177 | 9,435 | 10,049 | 11,002 | 7,011 | 11,390 | 10,868 | 10,504 | 11,430 | 11,496 | 9,616 | 10,147 | 123,125 |
| Dunkirk | Cullet Returns: Amber / Plate | (1,673) | (2,037) | (2,357) | (1,459) | (1,753) | (1,835) | (1,622) | (1,619) | (1,592) | (1,516) | (2,642) | (2,340) | (22,445) |
| Wilson | AMBER/PLATE | 1,374 | 128 | 1,370 | 2,654 | 2,901 | 2,736 | 3,080 | 3,225 | 2,872 | 3,583 | 4,305 | 2,677 | 30,905 |
| Total Tons of Purchased Cullet Used in Amber Glass | | 27,296 | 26,595 | 30,987 | 33,659 | 28,756 | 34,667 | 35,003 | 31,842 | 29,166 | 33,369 | 30,070 | 29,272 | 370,682 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Madera | CHA. GR. | 3,948 | 3,436 | 3,556 | 4,143 | 12,131 | 9,571 | 9,045 | 13,489 | 7,837 | 7,894 | 7,097 | 4,147 | 86,293 |
| Madera | Cullet Returns: CHA. GR. | - | - | - | - | - | - | - | - | (1,001) | - | - | - | (1,001) |
| Seattle | CHA. GR.85 | 1,649 | 2,169 | 2,518 | 1,284 | 2,798 | 5,106 | 5,753 | 4,184 | 4,270 | 4,523 | 1,780 | 313 | 36,347 |
| Madera | DL / AT / TR | 8,608 | 6,470 | 6,937 | 3,835 | 486 | 6,237 | 6,650 | 1,891 | 5,879 | 6,911 | 6,279 | 5,862 | 66,044 |
| Seattle | DL / AT / TR / GG / MG | - | - | - | 1,330 | - | - | - | - | - | - | 94 | 188 | 1,612 |
| Port Allegany | GRAMBER | 773 | 257 | 295 | 1,804 | 1,585 | 4,129 | 812 | - | 33 | - | - | 51 | 9,739 |
| Sapulpa | GREEN | - | - | - | 226 | - | 228 | 351 | 820 | 370 | 212 | 76 | 760 | 3,043 |
| Total Tons of Purchased Cullet Used in Green Glass | | 14,978 | 12,332 | 13,305 | 12,621 | 17,000 | 25,271 | 22,611 | 20,384 | 17,388 | 19,540 | 15,326 | 11,321 | 202,077 |
| Total Tons of Purchased Cullet Used in Non-Flint Glas | | 42,274 | 38,927 | 44,292 | 46,280 | 45,756 | 59,938 | 57,614 | 52,226 | 46,554 | 52,909 | 45,396 | 40,593 | 572,759 |

Note:

(1) Lasinski Supplemental Report, Exhibit 3.5.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2010

Exhibit 2.4

| Plant (1) | Cullet Color (1) | January | February | March | April | May | June | July | August | September | October | November | December | Total |
|--|-------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Purchased Cullet Used in Amber Glass | | | | | | | | | | | | | | |
| Burlington | AMBER | 1,542 | 1,463 | 1,811 | 1,372 | 1,269 | 1,646 | 1,724 | 1,619 | 1,823 | 1,963 | 1,696 | 2,151 | 20,079 |
| Madera | AMBER | - | - | 78 | - | - | - | - | - | - | - | - | - | 78 |
| Milford | AMBER | 12,038 | 11,646 | 13,357 | 12,756 | 12,289 | 12,645 | 12,425 | 12,983 | 9,707 | 5,826 | 10,859 | 12,252 | 138,783 |
| Pevely | AMBER | 2,568 | 3,133 | 2,513 | 2,859 | 4,382 | 4,995 | 3,782 | 3,758 | 3,841 | 4,446 | 4,300 | 3,415 | 43,992 |
| Sapulpa | AMBER | 1,956 | 2,908 | 3,739 | 4,289 | 2,506 | 3,236 | 3,419 | 5,057 | 5,221 | 4,668 | 3,677 | 5,261 | 45,937 |
| Seattle | Amber 90 | - | 285 | - | (285) | 95 | 263 | 447 | - | - | - | - | 2,995 | 3,800 |
| Dunkirk | Amber / Plate | 10,763 | 10,229 | 12,284 | 11,044 | 10,556 | 11,552 | 11,247 | 11,395 | 11,109 | 10,759 | 11,048 | 11,084 | 133,070 |
| Dunkirk | Cullet Returns: Amber / Plate | (2,352) | (1,621) | (1,700) | (1,380) | (1,334) | (1,916) | (1,610) | (1,770) | (1,709) | (1,334) | (1,300) | (1,748) | (19,774) |
| Wilson | AMBER/PLATE | 2,460 | 2,852 | 3,315 | 4,004 | 2,944 | 3,636 | 2,118 | 2,752 | 2,901 | 3,017 | 2,675 | 3,657 | 36,331 |
| Total Tons of Purchased Cullet Used in Amber Glass | | 28,975 | 30,895 | 35,397 | 34,659 | 32,707 | 36,057 | 33,552 | 35,794 | 32,893 | 29,345 | 32,955 | 39,067 | 402,296 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Madera | CHA. GR. | 7,488 | 3,742 | 11,253 | 11,519 | 12,630 | 9,128 | 9,616 | 10,124 | 7,084 | 8,354 | 6,904 | 8,079 | 105,921 |
| Madera | Cullet Returns: CHA. GR. | - | (1,232) | - | (1,140) | (1,446) | - | - | - | - | - | - | - | (3,818) |
| Seattle | CHA. GR.85 | 2,683 | 7,004 | 1,094 | 2,045 | 2,956 | 5,608 | 2,501 | 1,977 | 2,929 | 3,741 | 2,714 | 3,844 | 39,096 |
| Madera | DL / AT / TR | 6,941 | 5,994 | 1,857 | - | - | 5,468 | 4,984 | 4,936 | 5,700 | 5,638 | 5,087 | 4,167 | 50,772 |
| Seattle | DL / AT / TR / GG / MG | 147 | 284 | 5,322 | 810 | - | - | - | 1,976 | - | - | - | - | 8,539 |
| Port Allegany | GRAMBER | 704 | 2,414 | 1,301 | 761 | 4,203 | 1,603 | 289 | 553 | 2,779 | 1,223 | 212 | 257 | 16,299 |
| Sapulpa | GREEN | - | - | 639 | 590 | 203 | 169 | 103 | 102 | 76 | 181 | 26 | - | 2,089 |
| Total Tons of Purchased Cullet Used in Green Glass | | 17,963 | 18,206 | 21,466 | 14,585 | 18,546 | 21,976 | 17,493 | 19,668 | 18,568 | 19,137 | 14,943 | 16,347 | 218,898 |
| Total Tons of Purchased Cullet Used in Non-Flint Glas | | 46,938 | 49,101 | 56,863 | 49,244 | 51,253 | 58,033 | 51,045 | 55,462 | 51,461 | 48,482 | 47,898 | 55,414 | 621,194 |

Note:

(1) Lasinski Supplemental Report, Exhibit 3.6.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2011

Exhibit 2.5

| <u>Plant (1)</u> | <u>Cullet Color (1)</u> | <u>January</u> | <u>February</u> | <u>March</u> | <u>April</u> | <u>May</u> | <u>June</u> | <u>July</u> | <u>August</u> | <u>September</u> | <u>October</u> | <u>November</u> | <u>December</u> | <u>Total</u> |
|--|-------------------------------|----------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|------------------|----------------|-----------------|-----------------|----------------|
| Purchased Cullet Used in Amber Glass | | | | | | | | | | | | | | |
| Burlington | AMBER | 2,318 | 2,145 | 3,156 | 4,249 | 4,508 | 4,069 | 4,332 | 3,032 | 2,618 | 1,776 | 2,339 | 1,429 | 35,972 |
| Madera | AMBER | - | - | - | - | - | - | 50 | 134 | 120 | 16 | 114 | 89 | 523 |
| Milford | AMBER | 12,435 | 12,586 | 13,577 | 13,154 | 13,144 | 12,675 | 12,589 | 13,339 | 12,892 | 12,716 | 12,201 | 10,033 | 151,341 |
| Pevely | AMBER | 3,227 | 2,575 | 3,869 | 3,148 | 3,231 | 5,324 | 4,788 | 4,716 | 5,025 | 4,686 | 4,803 | 3,623 | 49,013 |
| Sapulpa | AMBER | 4,124 | 2,318 | 4,270 | 2,746 | 3,035 | 1,848 | 1,242 | 3,841 | 6,256 | 3,327 | 2,545 | 2,514 | 38,067 |
| Seattle | AMBER | 496 | 603 | - | - | - | - | - | - | 1,199 | 1,080 | 2,934 | 949 | 7,262 |
| Dunkirk | Amber / Plate | 11,477 | 11,650 | 10,469 | 9,801 | 10,580 | 10,365 | 10,189 | 12,390 | 11,177 | 6,108 | 11,408 | 7,170 | 122,785 |
| Dunkirk | Cullet Returns: Amber / Plate | (1,442) | (1,517) | (2,125) | (1,612) | (1,670) | (1,584) | (1,562) | (1,990) | (1,645) | (2,537) | (2,036) | (1,174) | (20,894) |
| Wilson | AMBER/PLATE | 2,085 | 1,855 | 2,227 | 2,366 | 1,842 | 1,727 | 2,196 | 2,741 | 3,078 | 3,062 | 1,962 | 3,211 | 28,351 |
| Total Tons of Purchased Cullet Used in Amber Glass | | 34,721 | 32,216 | 35,443 | 33,852 | 34,671 | 34,423 | 33,824 | 38,202 | 40,722 | 30,234 | 36,270 | 27,843 | 412,422 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Seattle | AT/DL - Gramber | - | 1,627 | 2,432 | 724 | 769 | 1,314 | 693 | - | 33 | - | - | - | 7,591 |
| Seattle | CG - Green | 3,967 | 1,870 | 2,652 | 3,626 | 3,730 | 2,196 | 2,297 | 3,438 | 4,055 | 3,763 | 3,541 | 5,835 | 40,969 |
| Madera | CG/AT - Gramber | 13,565 | 13,310 | 8,316 | 7,219 | 5,993 | 12,265 | 9,457 | 7,570 | 6,731 | 6,618 | 4,368 | 4,785 | 100,197 |
| Madera | DL - Flamber | - | - | 5,528 | 6,726 | 6,706 | 1,333 | 4,450 | 6,440 | 6,844 | 6,780 | 5,784 | 4,439 | 55,030 |
| Port Allegany | GRAMBER | 2,974 | 211 | - | - | - | 1,235 | 457 | 813 | 1,364 | 2,664 | 1,838 | 865 | 12,422 |
| Sapulpa | GREEN | 282 | - | 264 | 234 | - | - | - | - | - | - | 198 | 24 | 1,002 |
| Total Tons of Purchased Cullet Used in Green Glass | | 20,788 | 17,018 | 19,192 | 18,529 | 17,197 | 18,343 | 17,354 | 18,261 | 19,027 | 19,826 | 15,729 | 15,948 | 217,211 |
| Total Tons of Purchased Cullet Used in Non-Flint Glas | | 55,510 | 49,234 | 54,634 | 52,381 | 51,868 | 52,766 | 51,178 | 56,463 | 59,748 | 50,060 | 51,998 | 43,791 | 629,632 |

Notes:

(1) Lasinski Supplemental Report, Exhibit 3.7.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2012

Exhibit 2.6

| Plant (1) | Cullet Color (1) | January | February | March | April | May | June | July | August | September | October | November | December | Total |
|--|-------------------------------|----------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|------------------|----------------|-----------------|-----------------|----------------|
| Purchased Cullet Used in Amber Glass | | | | | | | | | | | | | | |
| Burlington | AMBER | 2,588 | 3,868 | 4,015 | 3,747 | 2,232 | 3,495 | 3,820 | 4,705 | 3,977 | 5,269 | 5,291 | 3,262 | 46,269 |
| Madera | AMBER | - | - | 5 | 75 | - | - | - | 360 | - | - | - | - | 440 |
| Milford | AMBER | 11,773 | 12,098 | 12,525 | 12,016 | 12,114 | 11,741 | 12,828 | 12,752 | 11,654 | 13,486 | 12,960 | 11,004 | 146,949 |
| Pevely | AMBER | 4,862 | 2,331 | 74 | 220 | 2,515 | 2,643 | 2,934 | 3,353 | 3,085 | 2,139 | 2,338 | 2,937 | 29,432 |
| Port Allegany | AMBER | - | - | - | - | - | 1,809 | 515 | - | - | - | 946 | 934 | 4,204 |
| Sapulpa | AMBER | 1,812 | 1,009 | 3,180 | 5,120 | 5,664 | 4,522 | 3,552 | 5,029 | 3,885 | 5,244 | 5,124 | 3,428 | 47,567 |
| Seattle | AMBER | 283 | 17 | 726 | 861 | 303 | 500 | 621 | 474 | 409 | 619 | 373 | 637 | 5,824 |
| Dunkirk | Amber / Plate | 2,802 | 9,360 | 9,982 | 8,920 | 10,082 | 8,863 | 10,408 | 10,974 | 9,292 | 10,391 | 10,506 | 8,589 | 110,169 |
| Dunkirk | Cullet Returns: Amber / Plate | (582) | (4,002) | (2,007) | (2,133) | (2,030) | (1,849) | (1,479) | (1,785) | (1,260) | (1,517) | (1,993) | (1,613) | (22,250) |
| Wilson | AMBER/PLATE | 3,744 | 4,262 | 5,218 | 3,698 | 2,932 | 3,326 | 3,638 | 4,252 | 3,651 | 3,747 | 4,971 | 2,721 | 46,161 |
| Total Tons of Purchased Cullet Used in Amber Glass | | 27,281 | 28,943 | 33,717 | 32,523 | 33,813 | 35,050 | 36,836 | 40,115 | 34,693 | 39,377 | 40,516 | 31,898 | 414,764 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Madera | AT - Gramber | 4,585 | 8,035 | 11,665 | 5,140 | 3,949 | 4,915 | 10,587 | 6,326 | 4,576 | 4,467 | 5,785 | 4,844 | 74,873 |
| Seattle | AT/DL - Gramber | 2,057 | 6,895 | 5,982 | 5,165 | 5,225 | 5,271 | 4,042 | 4,197 | 4,120 | 3,312 | 3,182 | 4,972 | 54,421 |
| Madera | CG - Green | - | - | - | - | - | 193 | - | - | - | - | - | - | 193 |
| Seattle | CG - Green | 3,431 | - | 17 | 17 | - | - | - | - | - | - | - | - | 3,465 |
| Port Allegany | CG/AT - Gramber | 3,340 | 1,587 | 737 | 925 | 1,614 | 1,369 | 181 | 967 | 2,989 | 923 | 143 | 932 | 15,709 |
| Madera | DL - Flamber | 6,371 | 2,412 | 240 | 4,790 | 5,360 | 4,625 | 31 | 3,808 | 5,641 | 5,469 | 4,574 | 4,268 | 47,588 |
| Sapulpa | GREEN | 24 | 484 | - | - | 24 | - | 52 | - | - | - | - | - | 583 |
| Wilson | GREEN | - | - | - | 281 | 753 | 66 | - | - | - | - | - | 202 | 1,301 |
| Total Tons of Purchased Cullet Used in Green Glass | | 19,808 | 19,412 | 18,642 | 16,319 | 16,924 | 16,439 | 14,892 | 15,299 | 17,326 | 14,172 | 13,684 | 15,218 | 198,134 |
| Total Tons of Purchased Cullet Used in Non-Flint Glas | | 47,089 | 48,356 | 52,359 | 48,842 | 50,737 | 51,489 | 51,728 | 55,414 | 52,019 | 53,549 | 54,200 | 47,116 | 612,897 |

Note:

(1) Lasinski Supplemental Report, Exhibit 3.8.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2013

Exhibit 2.7

| <u>Plant (1)</u> | <u>Cullet Color (1)</u> | <u>January</u> | <u>February</u> | <u>March</u> | <u>April</u> | <u>May</u> | <u>June</u> | <u>July</u> | <u>August</u> | <u>September</u> | <u>October</u> | <u>November</u> | <u>December</u> | <u>Total</u> |
|--|-------------------------------|----------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|------------------|----------------|-----------------|-----------------|----------------|
| Purchased Cullet Used in Amber Glass | | | | | | | | | | | | | | |
| Burlington | AMBER | 4,498 | 3,346 | 4,068 | 4,701 | 5,252 | 5,028 | 4,628 | 4,676 | 4,977 | 3,553 | 1,484 | - | 46,211 |
| Madera | AMBER | - | - | - | - | 322 | - | - | 277 | - | - | - | - | 599 |
| Milford | AMBER | 12,687 | 11,110 | 12,424 | 13,512 | 14,020 | 13,056 | 14,704 | 13,537 | 13,182 | 14,432 | 12,841 | 11,180 | 156,684 |
| Pevely | AMBER | 2,767 | 2,098 | 2,529 | 2,580 | 2,280 | 2,633 | 2,627 | 2,686 | 2,510 | 3,825 | 2,576 | 2,641 | 31,751 |
| Sapulpa | AMBER | 5,172 | 4,720 | 3,677 | 3,695 | 3,904 | 2,365 | 3,531 | 3,433 | 2,544 | 3,388 | 1,118 | 26 | 37,573 |
| Seattle | AMBER | 1,126 | 683 | 697 | 505 | 120 | 643 | 284 | 407 | 2,335 | 99 | 1,259 | 1,708 | 9,865 |
| Wilson | AMBER | 3,247 | 3,329 | 3,818 | 3,787 | 5,066 | 4,929 | 5,467 | 4,619 | 5,786 | 5,897 | 4,775 | 3,791 | 54,511 |
| Dunkirk | Amber / Plate | 11,104 | 9,850 | 10,478 | 11,337 | 11,509 | 9,917 | 11,677 | 10,811 | 10,214 | 11,917 | 9,910 | 8,763 | 127,489 |
| Dunkirk | Cullet Returns: Amber / Plate | (2,444) | (1,750) | (1,355) | (2,114) | (1,922) | (1,535) | (2,264) | (1,661) | (1,985) | (1,940) | (2,049) | (1,914) | (22,933) |
| Wilson | PLATE | - | - | - | - | - | - | - | 102 | 24 | - | - | - | 126 |
| Total Tons of Purchased Cullet Used in Amber Glass | | 38,158 | 33,385 | 36,337 | 38,001 | 40,550 | 37,035 | 40,655 | 38,887 | 39,587 | 41,171 | 31,914 | 26,195 | 441,875 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Madera | AT - Gramber- CG-Green | 6,173 | 4,819 | 13,052 | 13,266 | 8,230 | 6,339 | 7,995 | 9,302 | 6,111 | 7,036 | 5,959 | 5,947 | 94,228 |
| Seattle | AT/DL - Gramber - CG - Green | 5,596 | 4,402 | 3,664 | 4,483 | 4,372 | 6,118 | 4,336 | 5,055 | 4,303 | 5,806 | 5,005 | 4,275 | 57,415 |
| Port Allegany | CG/AT - Gramber | 3,038 | 1,303 | - | 1,652 | 3,190 | 1,541 | 913 | 1,720 | 1,473 | 3,014 | 2,004 | 917 | 20,767 |
| Madera | DL - Flamber | 5,249 | 4,654 | 348 | - | 5,759 | 6,407 | 2,199 | 2,355 | 5,295 | 6,124 | 5,881 | 3,709 | 47,980 |
| Wilson | GREEN | - | - | - | - | - | - | - | - | - | 61 | - | - | 61 |
| Total Tons of Purchased Cullet Used in Green Glass | | 20,056 | 15,178 | 17,065 | 19,401 | 21,551 | 20,405 | 15,443 | 18,432 | 17,181 | 22,041 | 18,848 | 14,849 | 220,451 |
| Total Tons of Purchased Cullet Used in Non-Flint Glas | | 58,214 | 48,563 | 53,402 | 57,402 | 62,101 | 57,440 | 56,097 | 57,319 | 56,768 | 63,213 | 50,762 | 41,044 | 662,326 |

Note:

(1) Lasinski Supplement Report, Exhibit 3.9.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2014

Exhibit 2.8

| Plant (1) | Cullet Color (1) | January | February | March | April | May | June | July | August | September | October | November | December | Total |
|--|--|----------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|------------------|----------------|-----------------|-----------------|----------------|
| Purchased Cullet Used in Amber Glass | | | | | | | | | | | | | | |
| Burlington | AMBER | 1,026 | 1,390 | 2,489 | 3,341 | 2,121 | 1,270 | 1,826 | 1,822 | 861 | 880 | 649 | 961 | 18,636 |
| Madera | AMBER | - | - | 155 | 315 | - | - | - | - | 2,315 | 930 | 961 | - | 4,675 |
| Milford | AMBER | 13,891 | 7,890 | 11,821 | 13,323 | 11,812 | 12,945 | 7,623 | 12,829 | 13,173 | 14,258 | 13,439 | 9,553 | 142,558 |
| Pevely | AMBER | 4,155 | 4,480 | 3,004 | 4,146 | 2,486 | 1,316 | 1,727 | 1,760 | 3,059 | 5,691 | 4,002 | 3,192 | 39,019 |
| Port Allegany | AMBER | - | - | - | - | - | 828 | 1,269 | - | - | - | - | - | 2,097 |
| Sapulpa | AMBER | 47 | 637 | 2,819 | 2,686 | 1,434 | 2,471 | 2,729 | 3,066 | 2,806 | 2,205 | 1,911 | 1,277 | 24,088 |
| Seattle | AMBER | 848 | 513 | 560 | 287 | - | 13 | 128 | 12 | - | - | - | - | 2,361 |
| Wilson | AMBER | 4,444 | 4,253 | 4,295 | 4,426 | 5,550 | 5,909 | 6,268 | 4,412 | 4,090 | 5,517 | 4,517 | 2,798 | 56,479 |
| Dunkirk | Amber / Plate | 10,780 | 10,191 | 10,885 | 11,401 | 8,846 | 10,224 | 10,490 | 10,019 | 9,237 | 8,409 | 7,297 | 6,522 | 114,301 |
| Dunkirk | Cullet Returns: Amber / Plate | (3,493) | (1,554) | (1,976) | (1,686) | (1,663) | (2,557) | (2,039) | (2,189) | (366) | - | - | - | (17,523) |
| Wilson | PLATE | - | - | - | 27 | 401 | 101 | - | - | - | - | 447 | 353 | 1,329 |
| Total Tons of Purchased Cullet Used in Amber Glass | | 31,697 | 27,800 | 34,053 | 38,267 | 30,987 | 32,519 | 30,023 | 31,731 | 35,174 | 37,890 | 33,222 | 24,656 | 388,021 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Madera | AT - Gramber- CG-Green | 10,288 | 9,875 | 9,538 | 10,376 | 6,904 | 7,941 | 7,362 | 8,930 | 5,437 | 12,396 | 11,758 | 10,198 | 111,004 |
| Madera | Cullet Returns: AT - Gramber- CG-Green | (1,792) | (900) | (2,639) | (2,862) | (5,548) | (1,602) | (4,085) | (1,892) | - | (1,936) | (2,342) | (4,810) | (30,408) |
| Seattle | AT/DL - Gramber - CG - Green | 4,470 | 5,942 | 3,063 | 6,125 | 5,937 | 7,509 | 7,651 | 6,644 | 6,110 | 6,405 | 6,138 | 5,499 | 71,493 |
| Port Allegany | CG/AT - Gramber | 451 | 1,291 | 1,506 | 2,532 | 947 | 1,124 | 940 | 2,689 | 2,503 | 1,639 | 1,820 | 286 | 17,729 |
| Madera | DL - Flamber | 1,358 | 1,321 | 476 | 976 | 4,693 | 5,344 | 4,380 | 4,382 | 3,308 | - | - | - | 26,239 |
| Milford | GREEN | - | 1,603 | 221 | 145 | - | 216 | 1,936 | (240) | - | - | - | - | 3,880 |
| Total Tons of Purchased Cullet Used in Green Glass | | 14,775 | 19,132 | 12,166 | 17,293 | 12,934 | 20,532 | 18,184 | 20,514 | 17,358 | 18,504 | 17,373 | 11,173 | 199,937 |
| Total Tons of Purchased Cullet Used in Non-Flint Glas | | 46,473 | 46,932 | 46,219 | 55,560 | 43,921 | 53,051 | 48,207 | 52,245 | 52,532 | 56,394 | 50,595 | 35,829 | 587,958 |

Note:

(1) Lasinski Supplemental Report, Exhibit 3.10.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

TONS OF PURCHASED NON-FLINT CULLET - 2015

Exhibit 2.9

| Plant (1) | Cullet Color (1) | January | February | March | April | May | June | July | August | September | October | November | December | Total |
|---|--|----------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|------------------|----------------|-----------------|-----------------|----------------|
| Purchased Cullet Used in Amber Glas | | | | | | | | | | | | | | |
| Burlington | AMBER | 24 | - | 1,325 | 2,405 | 1,951 | 1,220 | 384 | 1,140 | 1,173 | 2,198 | 1,099 | 840 | 13,760 |
| Madera | AMBER | - | - | - | - | - | - | - | - | - | - | - | 451 | 451 |
| Milford | AMBER | 14,265 | 12,389 | 16,281 | 13,608 | 13,453 | 8,364 | 14,344 | 13,484 | 13,929 | 14,035 | 12,710 | 13,894 | 160,756 |
| Pevely | AMBER | 4,435 | 4,356 | 3,186 | 3,141 | 2,198 | 2,369 | 4,569 | 3,509 | 3,446 | 2,687 | 3,085 | 3,479 | 40,459 |
| Port Allegany | AMBER | - | - | - | - | 708 | - | - | - | - | - | - | - | 708 |
| Sapulpa | AMBER | 933 | 339 | 710 | 1,344 | 1,062 | 825 | 998 | 1,038 | 1,015 | 1,256 | 829 | 825 | 11,172 |
| Seattle | AMBER | 225 | 489 | 810 | 505 | - | - | - | 368 | 17 | - | 377 | 552 | 3,343 |
| Wilson | AMBER | 4,518 | 3,645 | 5,029 | 4,820 | 3,988 | 3,420 | 3,867 | 3,682 | 3,195 | 3,592 | 3,054 | 3,766 | 46,578 |
| Dunkirk | Amber / Plate | 7,614 | 8,107 | 9,085 | 10,080 | 9,817 | 10,909 | 10,775 | 10,026 | 10,594 | 10,402 | 9,790 | 8,241 | 115,441 |
| Dunkirk | Cullet Returns: Amber / Plate | - | - | - | (1,688) | (1,925) | (2,605) | (2,227) | (1,590) | (1,778) | (1,604) | (1,483) | (1,957) | (16,857) |
| Wilson | PLATE | 454 | - | 24 | - | - | - | - | 297 | 496 | 511 | 776 | 996 | 3,555 |
| Total Tons of Purchased Cullet Used in Amber Glas | | 32,469 | 29,325 | 36,451 | 34,215 | 31,253 | 24,502 | 32,710 | 31,953 | 32,088 | 33,077 | 30,237 | 31,086 | 379,366 |
| Apportionment Factor(2) | | 1.00 | 1.00 | 0.10 | - | - | - | - | - | - | - | - | - | N/A |
| Total Apportioned Tons of Purchased Cullet Used in Amber Glass | | 32,469 | 29,325 | 3,528 | - | - | - | - | - | - | - | - | - | 65,321 |
| Purchased Cullet Used in Green Glass | | | | | | | | | | | | | | |
| Madera | AT - Gramber- CG-Green | 12,254 | 10,912 | 15,614 | 13,584 | 12,072 | 12,793 | 12,724 | 11,434 | 11,599 | 10,476 | 10,114 | 11,621 | 145,197 |
| Madera | Cullet Returns: AT - Gramber- CG-Green | (2,025) | (87) | (1,349) | (3,735) | (1,682) | (859) | (1,355) | (1,798) | (1,195) | (262) | (411) | (784) | (15,542) |
| Seattle | AT/DL - Gramber - CG - Green | 6,366 | 7,129 | 7,789 | 6,826 | 7,266 | 5,885 | 5,083 | 4,942 | 5,057 | 6,406 | 7,146 | 7,520 | 77,415 |
| Port Allegany | CG/AT - Gramber | 859 | 1,998 | 2,693 | (540) | 737 | 3,252 | 1,873 | 95 | 1,577 | 3,130 | 238 | 1,964 | 17,874 |
| Milford | GREEN | - | - | - | - | 212 | 1,681 | - | - | - | - | - | - | 1,893 |
| Port Allegany | GREEN | - | - | - | - | - | - | - | - | - | 72 | 601 | 336 | 1,009 |
| Total Tons of Purchased Cullet Used in Green Glass | | 17,454 | 19,951 | 24,746 | 16,135 | 18,605 | 22,752 | 18,325 | 14,674 | 17,038 | 19,822 | 17,688 | 20,656 | 227,845 |
| Apportionment Factor(2) | | 1.00 | 1.00 | 0.10 | - | - | - | - | - | - | - | - | - | N/A |
| Total Apportioned Tons of Purchased Cullet Used in Green Glass | | 17,454 | 19,951 | 2,395 | - | - | - | - | - | - | - | - | - | 39,799 |
| Total Tons of Purchased Cullet Used in Non-Flint Glas | | 49,923 | 49,275 | 5,922 | - | - | - | - | - | - | - | - | - | 105,121 |

Notes:

(1) Lasinski Supplemental Report, Exhibit 3.11.

(2) March 2015 apportionment factor per Exhibit 2.11.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

MARCH 2008 APPORTIONMENT FACTOR

Exhibit 2.10

| | <u>March 2008</u> | <u>Partial March 2008</u> | <u>Partial Period Apportionment</u> |
|------------|--------------------------|--------------------------------------|--|
| Start Date | 3/1/2008 | 3/28/2008 (1) | N/A |
| End Date | <u>3/31/2008</u> | <u>3/31/2008</u> | <u>N/A</u> |
| Days | <u>31</u> | <u>4</u> | <u>0.13</u> |

Note:

(1) Six years prior to the date of Complaint.

Green Mountain Glass LLC et al. v. Saint-Gobain Containers, Inc. et al.

MARCH 2015 APPORTIONMENT FACTOR

Exhibit 2.11

| | March 2015 | Partial March 2015 | Partial Period Apportionment |
|------------|-------------------|-------------------------------|---|
| Start Date | 3/1/2015 | 3/1/2015 | N/A |
| End Date | <u>3/31/2015</u> | <u>3/3/2015</u> (1) | <u>N/A</u> |
| Days | <u>31</u> | <u>3</u> | <u>0.10</u> |

Note:

(1) Expiration date of the '737 Patent.